

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LUIS VEGA,

Plaintiff,

No. CIV S-03-2433 MCE KJM P

vs.

E. ALAMEIDA, et al.,

Defendants.

ORDER

Plaintiff has filed a document entitled "request and motion for production of documents," as well as affidavits related to defendants' discovery requests. Plaintiff is informed that court permission is not necessary for discovery requests and that neither discovery requests served on an opposing party nor that party's responses should be filed until such time as a party becomes dissatisfied with a response and seeks relief from the court pursuant to the Federal Rules of Civil Procedure. Discovery requests between the parties shall not be filed with the court unless, and until, they are at issue.

Plaintiff has also requested the appointment of counsel. The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the court may request the voluntary assistance of

1 counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir.
2 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the
3 court does not find the required exceptional circumstances. Plaintiff's January 24, 2006 motion
4 for the appointment of counsel will therefore be denied.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. Plaintiff's January 24, 2006 request and motion for production of documents
7 and February 15, 2006 affidavits will be placed in the court file and disregarded. Plaintiff is
8 cautioned that further filing of discovery requests or responses, except as required by rule of
9 court, may result in an order of sanctions, including, but not limited to, a recommendation that
10 this action be dismissed.

11 2. Plaintiff's January 24, 2006 motion for the appointment of counsel is denied.

12 DATED: April 20, 2006.

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15 UNITED STATES MAGISTRATE JUDGE
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